



Entered on Docket  
August 24, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection  
Of USACM Trust To Proofs Of Claim  
Based Entirely Upon Investment In The  
Margarita Annex Loan (Except Claim of  
James W. Shaw and Notice of Continued  
Hearing as to James W. Shaw)**

Hearing Date: July 26, 2011  
Hearing Time: 1:30 p.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Margarita Annex Loan ("Margarita Annex Loan") [DE 8462] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; an informal response to the objection was received from James W. Shaw, Claim No. 10725-

01618; no other responses to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to repayment by the borrower or from the collateral securing the Placer I Loan; and good cause appearing:

**IT IS ORDERED** that:

1. The Objection [DE 8462] is sustained; and
2. The claims listed on **Exhibit** A attached, except for Claim No. 10725-01618 filed by James W. Shaw, are disallowed in full because those claims are based entirely upon an investment in the Placer I Loan.
3. The hearing on the objection to Claim No. 10725-01618 filed by James W. Shaw is continued to August 30, 2011 at 10:30 a.m.

PREPARED AND RESPECTFULLY SUBMITTED BY:

**LEWIS AND ROCA LLP**

By /s/ John Hinderaker (AZ #018024)

Robert M. Charles, Jr.

John Hinderaker (*pro hac vice*)

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1 LOCAL RULE 9021 CERTIFICATION

2 In accordance with LR 9021, counsel submitting this document certifies that the order  
3 accurately reflects the court's ruling and that (check one):

4 \_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

5 \_\_\_\_\_ No party appeared at the hearing or filed an objection to the motion.

6 XXX I have delivered a copy of this proposed order to all counsel who  
7 appeared at the hearing, and any unrepresented parties who appeared  
8 at the hearing, and each has approved or disapproved the order, or  
9 failed to respond, as indicated below [list each party and whether the  
10 party has approved, disapproved, or failed to respond to the  
11 document]:

12 Counsel appearing: \_\_\_\_\_

13 \_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a  
14 copy of this order with the motion pursuant to LR 9014(g), and that  
15 no party has objected to the form or content of the order

16 U.S. Trustee: <u>Augie Landis</u>	
17 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
18 <input checked="" type="checkbox"/> waived the right to review the 19 order and/or	<input type="checkbox"/> failed to respond to the document
20 Other Party: <u>James W. Shaw</u>	
21 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
22 <input type="checkbox"/> waived the right to review the 23 order and/or	<input type="checkbox"/> failed to respond to the document

24 Submitted by:

25 LEWIS AND ROCA LLP

26 By: /s/ John Hinderaker. (AZ #018024)

Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
Margarita Annex  
Single Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount Relating to the Margarita Annex Loan</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Margarita Annex Loan</b>
10725-02100	1/11/2007	Bruggemans, Paul	385 W Tahquitz Canyon Way Palm Springs, CA 92262-5647	200,000.00	200,000.00
10725-01024	11/6/2006	Clendenning, John P & Doreen S	1250 Davidson Way Reno, NV 89509-3141	65,671.67	65,671.67
10725-01454	11/16/2006	Dupin, William & Penny	545 Cole Cir Incline Village, NV 89451	50,000.00	50,000.00
10725-00547	10/10/2006	Edward & Leah Kline Family Trust Dtd 7/9/91	C/O Edward & Leah Kline Trustees 9932 Arbuckle Dr Las Vegas, NV 89134-7530	105,060.00	105,060.00
10725-00238	9/26/2006	Harold Epstein Revocable Living Trust Dtd 2/14/91	C/O Harold Epstein Trustee 40 W 3rd Ave Apt 703 San Mateo, CA 94402-7117	50,000.00	50,000.00
10725-01825	12/28/2006	Kenneth H & Phyllis P Wyatt Family Trust	Kenneth & Phyllis Wyatt Ttees Po Box 370400 Las Vegas, NV 89137-0400	135,208.35	135,208.35
10725-01033	11/6/2006	Michael & Jo Ann Maloney Revoc Trust Dated 12/1/04	Michael J & Jo Ann L Maloney Ttees 2198 Peyton Park St Henderson, NV 89052-7053	50,000.00	50,000.00
10725-01618	12/8/2006	Shaw, James W IRA	14225 Prairie Flower Ct Reno, NV 89511-6710	50,000.00	50,000.00
10725-01462	11/16/2006	Strunk, Allen D	*Undeliverable Address* 2762 Darby Falls Dr Las Vegas, NV 89134	50,000.00	50,000.00

**EXHIBIT A**

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